

Debi Cornwall

From: Debi Cornwall
Sent: Thursday, February 15, 2007 5:21 PM
To: Jay Tehan (jtehan@k-plaw.com); Gregg Corbo (gcorbo@k-plaw.com); 'Jeffrey T. Blake'
Cc: Robert N. Feldman; Monica Shah; Micah West; 'Bcsinnocence@aol.com'
Subject: Forensic stipulation
Attachments: Waters_Stipulation_Blood and DNA Evidence_v3s_021507.pdf; Waters_Blake Report 1.pdf; Waters_Blake Report 2.pdf; Waters_Blake Report 3.pdf

Tracking:	Recipient	Delivery
	Jay Tehan (jtehan@k-plaw.com)	
	Gregg Corbo (gcorbo@k-plaw.com)	
	'Jeffrey T. Blake'	
	Robert N. Feldman	
	Monica Shah	Delivered: 2/15/2007 5:21 PM
	Micah West	Delivered: 2/15/2007 5:21 PM
	'Bcsinnocence@aol.com'	

Dear counsel:

I have revised the proposed forensic stipulation in light of the concerns you raised in our phone conversation 2 weeks ago. Please note my revision to par. 3, which now reads, "In 2001, DNA testing was conducted on the type O bloodstains and identified a single male. Kenneth Waters was conclusively excluded as the source of that blood."

You asked me to point out what document(s) supported the notion that a single male profile was obtained. We have previously disclosed Forensic Science Associates DNA reports of 1/29/01, 2/27/01 and 3/14/01 reflecting the same male DNA profile on all type-O stains tested. I attach them again here for ease of reference. Specifically, on the 1/29/01 Forensic Science Associates report, note par. 11: "A highly discriminating genetic profile has been obtained from an unknown male blood source and an unknown female blood source on various items of physical evidence recovered from the Katharina Brow residence." Also, see the charts on pages 16 and 17, reflecting the same DNA profile for "male #1" on all items (see in particular the matching numbers in the "type" column in both charts). Most obviously, see p. 1 of the second, 2/27/01 FSA report, which lists the type O bloodstains and indicates, **"All of these blood stains originated from a single male and produced a highly discriminating genetic profile that would be expected to occur in no more than one in several hundred million members of the population."** The same fact appears on page one of the 5/14/01 report as well.

Please let me know if you have any remaining concerns about the stipulation; if not, please sign and return it. I'll sign and scan the final version for your files.

Thank you.

Best,

Debi Cornwall | Partner

Cochran Neufeld & Scheck LLP | 99 Hudson St., 8th Floor, New York, NY 10013
 Tel. (212) 965-9081 | Fax (212) 965-9084

11/5/2007

Debi Cornwall

From: Administrator
Sent: Thursday, February 15, 2007 5:24 PM
To: Debi Cornwall
Subject: Delivery Status Notification (Relay)

Attachments: ATT1964609.txt; Forensic stipulation



ATT1964609.txt Forensic stipulation
(678 B)

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

jtehan@k-plaw.com
gcorbo@k-plaw.com
JBlake@k-plaw.com

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BETTY ANNE WATERS, as
Administratrix of the Estate of
KENNETH WATERS,

Plaintiff,

v.

TOWN OF AYER, et al.,

Defendants.

)
)
)
)
) Case No. 04 Civ. 10521 (GAO) (JGD)
)
)
)
)
)
)
)
)
)

STIPULATION

Plaintiff Betty Anne Waters, as administratrix of the Estate of Kenneth Waters, and defendants Town of Ayer, Nancy Taylor-Harris, Arthur Boisseau, the estate of Buddy Decot, William Adamson, Sr. and Philip L. Connors (collectively, "the parties"), hereby stipulate and agree as follows:

1. Katharina Brow was murdered in her Ayer, Massachusetts home on May 21, 1980.
2. Using pre-DNA technology, investigators identified two types of blood at the scene before trial: type B-positive, consistent with the victim, and type O, believed to have been left by the perpetrator.
3. In 2001, DNA testing was conducted on the type O bloodstains and identified a single male. Kenneth Waters was conclusively excluded as the source of that blood.

4. In light of those DNA results, with the consent of the Middlesex County District Attorney's Office, Kenneth Waters was released from prison on March 15, 2001.
5. On June 28, 2001, the Middlesex County District Attorney's Office withdrew the charges against Kenneth Waters by filing a *nolle prosequi*.

Dated: February 15, 2007

DEFENDANTS TOWN OF AYER,
NANCY TAYLOR-HARRIS, ARTHUR
BOISSEAU, ESTATE OF BUDDY DECOT,
WILLIAM ADAMSON, AND PHILIP L.
CONNORS

By: _____

Joseph L. Tehan, Jr.
Jeffrey T. Blake
Gregg J. Corbo
Kopelman & Paige, PC
101 Arch Street, 12th Floor
Boston, MA 02110

PLAINTIFF BETTY ANNE
WATERS

By: _____

Deborah L. Cornwall
Barry C. Scheck
Monica R. Shah
Cochran Neufeld & Scheck, LLP
99 Hudson Street, 8th Floor
New York, NY 10013

Robert N. Feldman
Birnbaum & Godkin, LLP
280 Summer Street
Boston, MA 02210-1108